

REMARKS

Claim 1 was canceled. Claim 22 is new. Claims 2-5 and 13-20 are withdrawn from consideration. Claims 6-12, 21, and 22 are present in the case for consideration.

The Examiner rejected the claims 6-12 and 21 under 35 U.S.C. 102(b) as being anticipated by Bohan et al. (U.S. 5,279,539).

The Examiner noted that “In response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., capable of permanent implantation, made of GoreTex, Dacron, polyurethane) are not recited in the rejected claims.” (the bridging paragraph on pages 3 and 4 of the instant office action).

The proffered amendments have introduced these novel features into the rejected claims. The amendment to claim 1 now clearly recites that the bone cover/shield and the hollow cap or casing pouch are capable of permanent implantation. Claims 6-12 and 22 directly or indirectly depend on claim 21. Furthermore, claim 22 clearly recites that the hollow cap or casing pouch comprises at least one member selected from the group consisting of GoreTex, Dacron and polyurethane.

The amendment does not introduce any new matter. Antecedent basis for a shield or cover made of a proven medically safe material such as GoreTex, Dacron, polyurethane can be found at page 5, lines 16-18. Antecedent basis for a cover that is intended to be permanently installed can be found at page 5, lines 18-19.

The Bohan et al. reference is directed to a medical device for enclosing an internal bodily organ or tissue during surgery. The medical device or pouch and its drawstrings

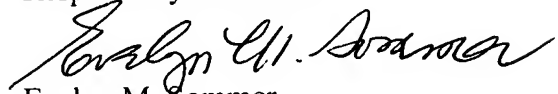
are made of bio-absorbable material which when exposed to moist bodily tissue breaks down into small components which can be readily passed through the system. At column 5, lines 40 et seq. the bio-absorbable pouch and the fabric from which it is preferably constructed are described. All of the claims of the Bohan et al. patent specify that the device as used is bio-absorbable including the fastening thread.

Therefore, the rejection of the claims on Bohan et al. (35 U.S.C. 102 (b)) should be withdrawn.

In view of the foregoing, it is submitted that the application is in condition for allowance and notification to this effect is respectfully requested.

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Date

Respectfully Submitted



Evelyn M. Sommer
Registration No. 19, 603
Attorney for Applicant
250 Park Avenue, Suite 825
New York, NY 10177
Phone: 212-527-2657

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